

REMARKS/ARGUMENTS

This application has been reviewed in light of the non-final Office Action mailed on April 26, 2011. Claims 13-25 are pending in the present application with Claims 13, 18, and 21 being in independent form.

Claims 13, 15-18, 20, 21, and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oh et al. (U.S. Patent No. 7,340,268) in view of Park et al. (U.S. Patent No. 6,654,358). This is the same rejection presented in the previous Office Action. The rejection is still respectfully traversed.

In response to the previous Office Action, Claim 13 was amended to recite, *inter alia*, as follows:

“...a receiver for receiving from the base station a first downlink signal including at least one second power control command devoid of predetermined pilot signals.” (emphasis added)

At the bottom of page 2 of the present Office Action, the Examiner stated that Oh teaches “a receiver/receiver means for receiving from the base station a first downlink signal including at least one second power control command devoid of predetermined pilot signals” and cites Oh as teaching these claim recitations at column 3, lines 8-22; column 4, lines 32-46; column 9, lines 61-67; and column 17, lines 53-57. The Applicants have reviewed Oh including the portions referenced to by the Examiner in the present Office Action which describe TPC commands. There is no disclosure or suggestion by Oh of the TPC commands or any other commands described by Oh in a first downlink signal as being devoid of predetermined pilot signals. That is, there is no disclosure or suggestion by Oh of at least “a receiver for receiving from the base station a first downlink signal including at least one

second power control command devoid of predetermined pilot signals,” as recited by independent Claim 13.

Park does not address the deficiencies of Oh. As best understood by Applicants, Park is directed to a method for transmitting a power control signal in a mobile communication system. By altering the power control subchannel, the method reduces the delay between power measurement and power control. The power control subchannel is moved within the power control group so that a time equal to generating the power control bit is before the power control bit and a time equal to the sum of the round-trip propagation delay between base station and mobile unit and the time needed to perform gain control is after the power control bit. (Abstract)

In particular, as cited by the Examiner, Column 4, lines 49-62 of Park state:

“FIG. 6 is a flow chart illustrating a power control process executed by the mobile station. The mobile station receives and demodulates a signal at step 611, and measures power of the received signal and power of the interference signal to obtain a signal-to-interference ratio (SIR) at step 613. The SIR is compared with a threshold value at step 615. If the SIR is greater than the threshold value, the mobile station generates the power control bit of -1 at step 617, and if not, it generates the power control bit of +1 at step 619. **The mobile station multiplexes the power control bit to the pilot signal at the inner part of the power control group of the reverse pilot subchannel to be transmitted subsequently** and transmits the multiplexed result to the base station, at step 621.” (emphasis added)

Therefore, in Park, measurements are performed on a pilot signal.

In contrast, in the present disclosure, at paragraph [0016] of Applicants’ published application (2007/0060183), it is stated that:

“The invention is based on the realisation that downlink closed loop power control may be operated by measuring the quality of received downlink non-predetermined data symbols **instead of predetermined pilot symbols**, and that in some circumstances, separate downlink pilot signals for each active mobile station are not necessary for channel estimation. In some circumstances, downlink channel estimation is not required at all, and in other circumstances a common downlink pilot signal

transmitted at a constant power level may be used instead of separate pilot signals. Consequently, operation is possible using fewer downlink system resources.” (emphasis added)

Additionally, in the present disclosure, at paragraph [0025] of Applicants’ published application (2007/0060183), it is stated that:

“The invention is based on the recognition that separate pilot symbols for each active mobile station are not necessary in at least two cases.” (emphasis added)

In other words, as clearly stated in several portions of the specification and in Claim 13, the present radio communication system does not use pilot signals, but instead uses the received power control commands to act as or take the place of the missing pilot signals. Thus, measurements are not performed on a pilot signal since Claim 13 clearly states that power control commands are devoid of predetermined pilot signals.

Therefore, Park does not teach and/or suggest such a system configuration.

It is respectfully submitted that independent Claims 18 and 21 were previously amended to recite similar features as those of independent Claim 13.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 13, 18, and 21 and allowance thereof are respectfully requested.

Claims 15-17, 20, and 23-25 depend from one of independent Claims 13, 18, and 21 and therefore include the claim limitations of their respective independent claims. Further, dependent Claims 15-17, 20, and 23-25 recite additional patentable features. Accordingly, for at least the same reasons given above for the allowance of Claims 13, 18, and 21, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 15-17, 20, and 23-25 and allowance thereof are respectfully requested.

Claims 14, 19, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oh and Park, and further in view of Hwang et al. (U.S. Application No. 2002/0077141). This rejection is respectfully traversed.

Claims 14, 19, and 22 depend from independent Claims 13, 18, and 21 and therefore include the claim limitations found in Claims 13, 18, and 21. Claims 14, 19, and 22 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 13, 18, and 21. Additionally, Hwang does not address the deficiencies of Oh and Park with respect to independent Claims 13, 18, and 21. Further, dependent Claims 14, 19, and 22 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 14, 19, and 22 and allowance thereof are respectfully requested.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

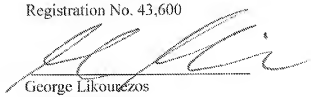
In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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